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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/805,320	03/12/2001	Parampreet Sandhu	034300-127	3780

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EXAMINER
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HO, DUC CHI

ART UNIT	PAPER NUMBER
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2665

DATE MAILED: 07/22/2004

7

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/805,320

Applicant(s)

SANDHU, PARAMPREET

Examiner

Duc C Ho

Art Unit

2665

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 March 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-28 is/are rejected.
- 7) ☒ Claim(s) 5 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5-6.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102(e) that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language

2. Claims 1-4, and 6-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Hsu et al. (U.S. 6,587,684), hereinafter referred to as Hsu.

Regarding claim 1, Hsu discloses a Digital wireless telephone system for downloading software to a digital telephone using wireless data link protocol.

*a) selecting a system with the mobile terminal in order to place a call to the wireless network; b) originating a call with the mobile terminal to the wireless network; c) assigning a traffic channel for the call originated with the mobile terminal ( these steps are inherently performed by the telephone 16-fig. 1 in accordance with IS-683, see col. 6-line 16 to col. 7-line 5, and col. 7-line 7 to col. 8-line 28; and “3.2.1”, “4.2” section of the TIA/EIA/IS-683-A standard);*

*d) routing the call to the web server of the wireless network ( the call from the telephone 16-fig.1 is inherently routed to the web server 30, see col. 9, lines 19-30);*

*e) collecting information of the user from the mobile terminal with the Web server ( see col. 7-line 35 to col. 8-line 28); and*

*f) initiating the data only session over the wireless network via the web server (the user at telephone 16 is inherently able to initiate the data session via the web server 30-fig. 1, see col. 12-line 53 to col. 14-line 12).*

Regarding claim 10, the claim has similar limitations as claim 1. Therefore, it is rejected under Hsu for the same reasons set forth in the rejection of claim 1. In Hsu the router is the gateway server 20-fig. 1, see col. 6, lines 17-47.

Regarding claim 19, the claim has similar limitations as claim 1. Therefore, it is rejected under Hsu for the same reasons set forth in the rejection of claim 1.

Regarding claim 23, the claim has similar limitations as claim 1. Therefore, it is rejected under Hsu for the same reasons set forth in the rejection of claim 1.

Regarding claims 2, and 11, Hsu teaches a mechanism in which an activation code is provided to the user, see col. 7, lines 36-42.

Regarding claim 3, Hsu inherently teaches a channel to be provided in IS-683 after the activation code, see col. 7, lines 36-67.

Regarding claims 4, 13, and 21, the activation code information is entered by the user into the telephone 16, see col. 7, lines 36-42.

Regarding claims 6, and 14, the call at the telephone 16-fig. 1 can be routed to the web server 30 via the packet data network 32-fig. 1.

Regarding claims 7, and 12, the telephone 16-fig. 3 includes a micro-browser 88 for communicating to the web browser 30-fig. 1, see col. 13, lines 19-45.

Regarding claims 8, and 20 the system of Hsu is capable collecting user profile, address, and billing information, see col. 12-line 8 to col. 13-line 45.

Regarding claims 9, 18, and 22, the telephone 16 of Hsu is capable of initiating a secure data with the server gateway 20-fig. 1 and the web server 30, see col. 15-line 7 to col. 16-line 52.

Regarding claim 15, the gateway server 20-fig. 1 could be a part of the PSTN network 48-fig. 1.

Regarding claim 16, the gateway server 20-fig. 1 could be modified to include a microbrowser as that of the telephone 16 - fig. 3.

Regarding claims 17, and 28, the web server 30-fig. 1 is inherently configured with a web page in order to initiate the data session, see col. 14, lines 19-64.

Regarding claim 24, the base station 14a-fig. 1 is the receiving and transmitting means.

Regarding claim 25, the gateway 20-fig. 1 is a router operative to direct the call to the appropriate device.

Regarding claim 26, the web access means is the web server 30-fig. 1.

Regarding claim 27, Hsu's system is capable of initiating the data session using the IS-683 protocol with a web page of the web server 30-fig. 1

***Allowable Subject Matter***

3. Claim 5 is objected to as being independent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Conclusion*

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Laursen et al. (US 6,065,120); Liao et al. (US 6,148,405); Boyle et al. (US 6,138,158); Mles et al. (US 6,725,056) are cited to show Internet based mobile terminal provisioning, which is considered pertinent to the claimed invention.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc Ho whose telephone number is (703) 305-1332. The examiner can normally be reached on Monday through Friday from 7:00 am to 3:30 pm.

If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu, can be reached on (703) 308-6602.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700

8. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 872-9314

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,  
Arlington, VA, Sixth Floor (Receptionist).

Patent Examiner



Duc Ho

7-16-04